

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 - - - - -x
5 TINA BRADWAY, Individually and
6 as Administratrix of the Estate
of Tony Bradway,

7 Plaintiff,

8 -against-

Index No.
CV-09 3177

9 THE TOWN OF SOUTHAMPTON,
10 LINDA A. KABOT, and JOHN
DOES 1-10 Consisting of
Individuals to Be Determined,

11 Defendants.
12 - - - - -x

13 DEPOSITION of PO STEVEN S. FRANKENBACH,
14 taken by Plaintiff, held at the offices of Hampton
15 Bays Police Station, 110 Old Riverhead Road,
16 Hampton Bays, New York, on Wednesday, May 19,
17 2010, commencing at 10:18 a.m., before Jean Wilm,
18 a Registered Professional Reporter, Certified
19 LiveNote Reporter and Notary Public within and for
20 the State of New York.
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A P P E A R A N C E S:

RUSKIN MOSCOU & FALTISCHEK
Attorneys for Plaintiff
1425 RXR Plaza
Fifteenth Floor
Uniondale, New York 11556

BY: THOMAS TELESKA, Esq.

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50 Route 11
Smithtown, New York 11787

BY: JELTJE DEJONG, Esq.

Frankenbach

S T E V E N S . F R A N K E N B A C H ,
called as a witness, having been first
duly sworn/affirmed by Jean Wilm, a
Notary Public within and for the State
of New York, was examined and testified
as follows:

EXAMINATION

BY MR. TELESKA:

Q State your name for the record.

A Steven S. Frankenbach.

Q Good morning, Officer Frankenbach.

My name is Tom Telesca. We met informally
before. I represent the plaintiff Tina Bradway
in a case that she has brought against you,
among other officers, in the Town of Southampton
arising out of the death of her son, Tony
Bradway.

Have you ever been deposed before?

A Yes, sir.

Q How many times?

A Once.

Q So you are familiar with the
process, and I just would like to go over a
couple of ground rules just so we have a clear

Frankenbach

record.

To your left is the court reporter, and she is taking down everything that is said today to create a written record of what we are going to talk about --

A Yes.

Q -- which is the incident surrounding Tony Bradway's arrest.

It is important that you let me complete my question before you answer it because the court reporter can't take both of us down at the same time and, of course, I will allow you to give your answer before I ask my next question. Okay?

A Yes, sir.

Q Also, if there is a certain term I use or if one of my questions is unclear, I ask you to let me rephrase the question or to confirm what the term is if that is a problem. Okay?

A Yes, sir.

Q And if you answer one of my questions, I'm going to assume that you heard it, understood it, and that you answered it as

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completely as possible.

A Yes, sir.

Q I would also ask that you don't guess. It's perfectly okay if you don't know the answer to say that you don't know or you don't recall.

If you could give a range, feel free to do that, but just let us know that it's approximately X or Y, or something along those lines. Okay?

A Yes, sir.

Q If your attorney objects to one of my questions, I'd ask that you stop speaking and allow her to place her objection on the record and if we need to speak about it that you allow us to do so before answering.

A Yes, sir.

Q If at any time you need a break -- I don't anticipate this being very long, but if you need to use the rest room or make a phone call, let us know.

A You got it, sir.

Q The one prior deposition was that in your --

Frankenbach

1

2

A Divorce.

3

Q So it was a private matter?

4

A Yes, sir.

5

6

Q Is there any reason why you are
unable to testify today?

7

A No.

8

9

Q Prior to the deposition, did you
review any documents?

10

A No, sir.

11

12

Q Other than your attorney, did you
speak with anybody about today's testimony?

13

A No, sir.

14

15

Q Did you speak with Officer S about
today's deposition testimony?

16

A Absolutely not.

17

Q Officer C?

18

A No.

19

Q Sergeant Kiernan?

20

A No, sir.

21

Q Officer Kiernan?

22

A No, sir.

23

You threw me off. Go ahead.

24

25

Q So you understand the distinction
between when I say Sergeant Kiernan and --

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1
2 A Yes, yes.
3 Q Okay. Officer Peters, did you
4 speak with him about today's testimony?
5 A No.
6 Q How about Officer Montalbano?
7 A No, sir.
8 Q I assume you graduated from high
9 school?
10 A Yes, sir.
11 Q And what high school did you go
12 to?
13 A Southampton High School.
14 Q What year did you graduate?
15 A 1977.
16 Q Did you attend college?
17 A Yes, sir.
18 Q Where did you go?
19 A Canton ATC.
20 Q Where is that?
21 A It's in Canton, New York.
22 Q Upstate?
23 A Way upstate.
24 Q Near St. Lawrence?
25 A Yes, sir.

Frankenbach

Q And what year did you graduate from there?

A 1979.

Q What kind of degree did you get?

A Bachelor degree, business administration.

Q After you graduated from Canton ATC, can you tell me where you got your first job?

A Well, I continued my job at the Bathing Corporation in Southampton up -- including that, and Hildred's Department Store for the first summer.

Q That was after you graduated?

A Yes, sir. I finished up one and then started the other in the same summer.

Q Hildred's is the department store on Main Street?

A Main Street, Southampton Village.

After that, in 1980, I started working with my brother doing landscaping from '80 up until the point I got on the police force in '88.

Q So from '80 to '88 landscaping.

Frankenbach

What was the name of company?

A Chuck's Landscaping, Ltd.

Q You worked in the Town of Southampton area?

A Basically, yes, sir.

Q And in 1988 you attended a police academy?

A Yes, sir. Suffolk County Police Academy. I got hired January 20 of '88. We started, I believe it was, five to seven days later and went until sometime in June of the same year.

Q June of '88?

A Somewhere in that area, sir.

Q Then you had a probationary period?

A We had a training period, field training where you go and ride with another officer for X amount of weeks, you know, so they could show you -- obviously Suffolk County is a little bit different than Southampton Town, so we have to go by the type of paperwork we do.

Q Was the field training through Suffolk County?

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1
2 A No. Field training was our own
3 department.

4 Q Town of Southampton?

5 A Yes, sir.

6 Q Was there a probationary period?

7 A I believe it was about a year and
8 a half. I believe. It's been awhile ago.

9 Q And obviously you made it through
10 the probationary period?

11 A Yes, sir.

12 Q So then you have been an officer
13 for approximately 22 years?

14 A I'm in my 23rd year, sir.

15 Q How would you describe your
16 current role as an officer?

17 A I'm a patrol officer. I work the
18 streets, handle the everyday type of calls that
19 we get, up until, you know -- vehicle and
20 traffic and stuff. Everything that is given to
21 us out on the road.

22 Q And during your prior 22 years,
23 have you ever been suspended?

24 A On the police job?

25 Q Yes, sir.

Frankenbach

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A Yes, sir.

Q Could you tell me what that was?

A It was a personal matter.

Q For how long was that suspension?

A A month. Three weeks.

Q And that was only one time?

A Yes, sir.

Q And do you recall when that was?

A July of 2000 -- let me see. My daughter was born in '07, so it was 2007.

Q Do you have an independent recollection of the arrest of Tony Bradway?

A I was there for -- I was there and I have somewhat of it.

Q As you sit here today, do you remember the arrest of Tony Bradway?

A Yes, sir.

Q Do you recall where he was arrested?

A At the home of -- I can't think of the guy's name. It's on Greenfield Road. Ten or 18 Greenfield Road, I believe the address is. One of the two.

Q Greenfield Road. Was it an office

1 building, a house?

2 A A house.

3 Q You knew the owner of the house?

4 A I know who he is, yes, because I
5 was there for something and I just know him
6 briefly. I don't know him that well, but I
7 know -- I handled something with him once
8 before.

9 Q So do you recall the date that
10 Tony Bradway was arrested?

11 A It was June of 2008. I don't
12 remember the exact date.

13 Q So prior to the arrest of Tony
14 Bradway in June of 2008, you had been to the
15 Greenfield Road house before?

16 A Yes, once before with something to
17 do with the owner of the house.

18 Q For a police matter and not a
19 personal matter?

20 A Yes, police matter.

21 Q Do you recall what that police
22 matter was the first time you went to Greenfield
23 Road?

24 A It was something to do with a
25

domestic between him and a female.

Q The second time you went there, was that the date that Tony Bradway was arrested?

A Yes, I believe that was the second.

Q Were you at the house on Greenfield Road to arrest Tony Bradway or for some other reason?

A For some other reason.

Q Do you recall what that reason was?

A Yes, to protect a possible rape scene.

Q Specifically, what were you charged to do at the home?

A My -- I was sent there to make sure that nobody entered a certain room because there was a possible -- there was a possibility that a female was raped in that room.

Q Do you know who that female was?

A No.

Q Do you know today?

A No. Not at the time -- I mean, I

Frankenbach

1 did hear who it was, but I forgot. I never
2 dealt with that person. I never met her. I
3 know they mentioned the name, but I don't know
4 who it was.
5

6 Q Were you involved at all in any
7 subsequent rape investigation?

8 A No, only there at the scene.

9 Q You were only there to secure this
10 particular entrance?

11 A Until the detectives could come
12 down with a search warrant to check out the
13 location.

14 Q Was it a doorway that you were
15 securing?

16 A Basically, yes.

17 Q Was that doorway from the house
18 directly outside?

19 A No.

20 Q Or an internal door?

21 A Bedroom door.

22 Q So you were actually in the house?

23 A Yes, sir.

24 Q And how did you get into the
25 house?

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A The owner let me in.

Q And that is the name of the person
you don't recall?

A No, Bo I think his name is.

Q Kenneth Bo?

A Yes, that's it.

Q So Mr. Bo let you in the house?

A Well, he did, and there was also
another officer there...

Q Who was that other officer?

A I don't remember the name of him.
It was so long ago, I don't remember which
officer it was that actually opened the door --
that was also there doing the same thing I was
doing.

Q So you weren't the first guy
there?

A No, sir.

Q And did you actually replace the
officer who was there?

A Yes, sir.

Q So what led to the arrest of
Tony Bradway?

A While I was there, the location I

Frankenbach

was at, there was two subjects lying on the couch sleeping, a female, a white Caucasian female and a black male.

Like I said, where I was standing, it was just the location, I could see them, I could see the door, it was the dining room. You know, it was just -- I was there and when I'm looking at her, I realized she was holding onto a crack pipe.

Q The door to the bedroom that you were securing, that was on the first floor?

A Yes, sir.

Q And the two subjects were sitting on a couch in the living room also on the first floor?

A Yes, sir.

Q You had a view of the bedroom door and the living room and the dining area?

A Yes, at that location, I could see everything.

Q Is it a two-story house?

A Yes, sir.

Q Did you ever go upstairs?

A No, sir.

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Q Is there a basement that you know of?

A I don't know if there is or not.
I never --

Q Okay. So after you saw that the female -- she was holding a crack pipe?

A Yes, sir.

Q What did you do then?

A I did nothing at the time because I was there by myself, and the main reason I was there was to protect the scene, and at that time they were sleeping. There was nothing for me to have to do at that particular moment.

Q How did it come about that -- let me ask you this: Did other officers come to the scene?

A Yes, sir.

Q How did that come about?

A They were sent there, I guess, because of the scenario. The subject that was possibly involved with the rape, I happen to know who he is, and he's a big guy, and I guess they decided it was good to send more people because if he shows up, he's going to have an

Frankenbach

issue with me not letting him in his room.

Q So the alleged perpetrator of the rape was not in the house?

A Not at that time, no.

Q Who was the first officer to arrive at the scene after you had already gotten there?

A I believe the two officers that showed up was Officer C and Officer S.

Q Did they come into the house?

A Yes, sir.

Q When they came into the house, what happened next?

A Well, basically they came there to assist me with the possibility of the scenario of the rape scene, but while there, I mentioned to them, because I know they are also undercover guys, I pointed out the female subject and she was in possession of a crack pipe, and they got involved into that scenario, dealing with her.

MR. TELESKA: Off the record for a minute.

(Discussion off the record.)

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1
2 BY MR. TELESKA:

3 Q How did they get involved?

4 A They proceeded to wake her up and
5 ask her why was she in possession of a crack
6 pipe, and they started questioning her about
7 that.

8 I didn't really listen to all the
9 questions because, you know, there's two of
10 them, and they are handling it. I'm still
11 watching the door with the same scenario. You
12 know, I'm close, but ...

13 Apparently, the male subject
14 started to wake up and he became very upset
15 because apparently that was his girlfriend, and
16 he's asking what they are doing, which now they
17 are in the process of attempting to handcuff
18 her, because they are going to -- they're
19 blocking her, I guess, for the possession, and
20 they ended up trying to get him to sit down
21 and -- it kept looking like he was going to get
22 up and walk towards them, and I know that they
23 kept telling him to sit down. And I guess at
24 one point or another -- again, I don't remember
25 the exact details of it, but they ended up

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handcuffing him.

Q How far away was -- were you standing right next to the bedroom door?

A No. The way it is, you have a step. You come into the house. You have the entryway, but the dining room is all open. If you walk over to this way, there's a kitchen here, and then there's steps, two steps down.

MS. DEJONG: Could you describe for the record? When you go like this on the table --

THE WITNESS: You can't do hand motions?

MS. DEJONG: If you could, just for the record.

A When you walk into the house, you have an open foyer-type room with a dining room, no walls. You walk to the right and as you walk to the right, there is a kitchen opening to the left and two steps down -- I believe it was two. If you step down those two steps, you had the living room just to the left and the bathroom door a little bit to the right and the bedroom door down about -- a ten-foot hallway to the

1
2 bedroom door, which was the door that I was
3 watching. Most of the times I was standing
4 right on the top step, so I could see the
5 bedroom door, the bathroom door, which I wasn't
6 really worried about that, and the living room
7 where the two subjects were sleeping.

8 Q From where you were standing to
9 the sofa -- were they sleeping on the same sofa?

10 A No, different sofas, but probably
11 like a couple of feet apart.

12 Q How far was it from you to the two
13 sofas?

14 A Well, I was closer to the female
15 situation and I was probably seven feet, eight
16 feet away.

17 Q Do you remember the female's name?

18 A No. I did know it then, but I
19 just don't remember it now.

20 Q So after she was awoken by -- was
21 it by both Officer S and C, or one or the other?

22 A One of them. I don't remember
23 which one.

24 Q And she was handcuffed?

25 A Well, they ended up -- they ended

Frankenbach

up handcuffing her, yes, sir.

Q And did they put her back on the couch, take her somewhere else?

A No. They ended up bringing her into the dining room and sat her down on one of the chairs.

Q Could you see her while she was sitting on the chair in the dining room?

A I actually came and watched her while they then dealt with the gentleman.

Q Did you go into the dining area?

A Yeah, I kind of went over to the dining room, but I could still watch the wall, so nobody went down into the bedroom.

At that point I could still see everything. The room that I was protecting, I could still keep an eye on it so nobody went down there.

Q Do you know if there was another person in that bedroom?

A Nobody was in the bedroom.

Q When you were in the house, other than obviously yourself, the woman on the couch, the man on the couch, and Mr. Bo, was there

anybody else in the house that you know of?

A Yes.

Q And who was that?

A There's some gentleman in the back room that -- you know, when you walk into the left, there were a couple of more bedrooms to the left, and there was somebody in the back room, but I don't know who. It's just somebody he rents a room out to. I did run into him a little bit later on, but I never really talked to him. I just saw him.

Apparently he was renting the upstairs as an apartment to somebody else. I never saw those people. They have their own entrance.

Q Do you know if they were there that day?

A Yes, I know they were there. I never met them. I just know there was people because you could hear them walking.

Q You could hear them walking while you were in the house?

A Yes, sir.

MS. DEJONG: Meaning walking on

Frankenbach

the ceiling?

THE WITNESS: I heard them
walking upstairs above me.

BY MR. TELESKA:

Q Okay. So after the female was
handcuffed and placed in the dining room, she
was sitting at the dining room table?

A Yes, sir.

Q Sitting in a chair?

A Yes, on one side -- obviously one
side of the table.

Q And then both Officers C and S
went back to the living room?

A Once they -- they were there to
begin with, I believe, and then they started
talking to him, and as far as I understood it,
it was more of a safety issue, they also ended
up handcuffing him because of the aggression he
was showing -- because he was upset that his
girlfriend was being handcuffed. You know,
because he said, "That's my girlfriend. What
are you doing?" He was showing aggression.

And I know, from normal procedure,
that if you have a scenario where you feel

Frankenbach

somebody might intervene or somebody could get hurt, you are going to end up handcuffing just to protect ourselves. That's normal, what we have done, and that's why I believe they were handcuffing him.

Q Did either one -- do you know the male's name?

A No, I really never knew his name.

Q Did either one, either the male or female, appear to be intoxicated?

A No, sir.

Q After the male was handcuffed, was he taken anywhere?

A He was brought in the dining room area also and sat down at the table on the opposite side of where the girl was.

Q And then what happened next?

A Well, they were talking to him. I believe they found something, but I don't really know, because I wasn't totally watching what they were doing. I was kind of sitting by her so I could watch her, make sure she didn't try to do anything and still obviously making sure nobody wandered into the other room. Then all

Frankenbach

of a sudden I guess, they started saying something about he had something in his mouth, and they kept telling him to spit it out.

Q Did you see the male with something in his mouth?

A After he spit something out, I saw something, yes.

Q Do you know if he ingested anything?

A Absolutely don't know.

Q Did he spit it out voluntarily?

A I believe so. All I know is, I kind of saw it afterwards. I didn't see it come out. I just saw it after -- kind of like sitting on the table, whatever it was. Just after he spit it out, I saw him put it on the table.

Q What was it?

A It was like a big slime ball with a little bit of white, you could see, and just a lot of saliva.

Q Was it ever determined what the substance was?

A At that scene, no, I wouldn't

Frankenbach

1 know. Because it would have to be obviously
2 tested.
3

4 Q And then was the male then -- what
5 happened next?

6 A Well, I know just during the
7 procedure, I know they kept telling him to spit
8 it out, and I believe they had some type of
9 taser, or something, which I'm not familiar with
10 that type, because the only kind I've ever seen,
11 which I never actually seen used/actually out on
12 the street, but the kind they shoot out with the
13 darts, but this was a different type of taser.

14 I know they said something about
15 if you don't spit it out, we are going to use it
16 on you. They repeated it and repeated it.

17 The girl started to get really
18 upset, because it was her boyfriend, so I ended
19 up taking her away. I brought her over to the
20 left side of the house, the corner, and sat her
21 down or whatever and turned her away so she
22 couldn't watch what was going on and I stayed
23 kind of with her and, again, I got to keep an
24 eye on this door and make sure nobody wanders
25 that way, and I didn't see the details that

Frankenbach

happened exactly with him after that.

Q You actually walked out of the dining room?

A Not out of the room, but in the other corner, the opposite corner, and I kind of had my back semi-turned to them.

Q Was the male tased?

A I don't know if he was or not. I didn't see if he did actually got tased or not. I know they threatened to do it. They kept saying, "Spit it out. Spit it out."

Q Did you hear any kind of noise that the taser was used?

A I don't remember if it was or not. I don't remember. I don't remember hearing anything.

Q Before the male subject spit out whatever it was that he spit out, did any other officers come to the house on Greenfield Road?

A Not at the time that that was going on, I don't believe. I don't remember seeing anybody else show up at that particular time.

Q Did anybody else at some point

Frankenbach

show up? When I say "anybody," I mean did any other officers show up?

A Yes.

Q Who was that if you recall?

A One officer showed up after the fact was -- I can't say his name. Monta --

Q Montalbano?

A Yes, because I believe he is the one who took the female prisoner and then Officer Kiernan, I believe, came -- again, I'm not positive which way, because it was two years ago -- but he took, I believe, the male subject in, you know, later on, and then Officer Peters also showed up sometime before -- I believe after the female left, but before the male left, I believe he showed up.

Q When Officer Peters arrived, did you witness him do anything?

A No. He talked to the undercover guys, and I think he spoke to the gentleman also because he works that area, so he's familiar with the people. I don't work that area, so I don't know the people that well. He knows more of the people. So he came in because it was his

Frankenbach

area and I guess he wanted to see if there was anything he could do to help. I don't know if there was a reason he was there or not. I don't know.

Q Officer Peters is a patrolman in that area, in Southampton?

A Yes, sir. That's where he works.

Q Now, after the male subject was handcuffed and brought into the living room, did he act in a threatening manner?

MS. DEJONG: I'm sorry. You mean dining room?

MR. TELESKA: I meant dining room.

A I was going to correct him too.

Q Dining room, I'm sorry.

A Once he was put and sat down, I believe so. I don't remember seeing, but like I said, I didn't watch the whole scenario.

Q At any time that you were in the house on the date in June, 2008, did the male subject appear to be injured or otherwise incapacitated?

A No, sir.

1
2 Q While you were at the house on the
3 date in June 2008, did any of the other officers
4 ever state that the male subject was intoxicated
5 or otherwise under the influence of some
6 narcotic?

7 A I never heard it.

8 Q Did you ever actually speak to the
9 male subject?

10 A Yes, sir.

11 Q At what point did you speak with
12 him?

13 A Well, after, like, everything was
14 said and done, I spoke to him. Also when I
15 heard the undercover guys talk to him. How he,
16 you know -- how he felt; did he feel okay; did
17 he want to go to the hospital.

18 And I remember him being very
19 adamant that he felt fine and he did not want to
20 go to the hospital.

21 Q When you spoke to him, was this
22 before or after he spit up whatever it was?

23 A Afterwards.

24 Q While you were at the house on the
25 day in June 2008, did you have any conversations

Frankenbach

with any of the other officers concerning the physical condition of the male subject who had been arrested?

A All I made sure -- I'm trying to think what you mean by that.

MS. DEJONG: If you don't know what he means by that, ask him.

A Repeat that, please.

Q What I'm trying to understand is: Were there any conversations that you were involved in on that date concerning the physical condition of the male subject who was arrested?

A No. I spoke to him directly.

Q Did you have any conversations outside of his presence with any of the other officers about his condition?

A I don't believe so.

Q Did you have any conversations with Officer Kiernan when he came to transport the male subject back to headquarters?

A Just probably briefly so he knows what was going on, just the fact that the subject was being taken in for possible drug possession.

Frankenbach

Q Do you recall any specific
conversation --

A No, sir.

Q Let me finish.

A I'm sorry.

Q Do you recall any specific
conversation that either you or any of the other
officers had with Officer Kiernan concerning the
male subject's physical condition?

A I don't remember if I did or
didn't.

Q How about, do you recall if any of
the other officers did?

A No, I definitely don't remember.
I didn't hear anybody else talk to him about it.
I stayed -- remember, I stayed inside for the
rape, for the door scenario, and I didn't go
outside with them. I don't know what they might
have said outside.

Q So you remained in the house --

A Absolutely.

Q You have to let me finish.

You remained in the house the
entire time -- let me start over.

Frankenbach

You remained in the house even
after the male subject had exited?

A Yes, sir.

(Police Department, Town of
Southampton, Supplementary Report,
Date of Report: July 13, 2008 was
marked as Plaintiff Exhibit 6 for
identification, as of this date.)

BY MR. TELESKA:

Q Officer Frankenbach, what is
before you is what has been marked as Plaintiff
Exhibit 6.

Do you recognize this document?

A Yes, sir.

Q Can you tell us what it is?

A It's a supplementary report that
was done by myself on June -- I'm sorry --
July 13, 2008.

Q What is it in regards to?

A Incident was a death investigation
with reference to the scenario that happened at
18 Greenfield Road in Southampton.

Q Is this with regard to the
incident that we have been speaking about this

morning?

A Yes, sir.

Q If you would like, please take a minute to just read the report, and then I will ask you a few questions about it.

A (Perusing document.) Okay.

Q Now, do you recall why you prepared this report?

A I was told to by my superior, that I needed to do a supp. report with reference to the incident that happened on June 9th.

Q Who was your supervisor?

A At this time, it was Desk Officer Howie Kalb.

Q Is that who signed it there if you recognize that signature?

A Yes, sir.

Q On the top left it says "Incident: Death investigation"?

A Yes, sir.

Q Whose death was being investigated?

A The black male subject at the house at 18 Greenfield.

Frankenbach

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Q When did you first find out that he had died?

A I don't remember the date.

Q Was it on the date that you were at Greenfield Road?

A No, sir.

Q It was sometime afterward?

A Yes.

Q As you sit here today, do you know the cause of the death of the male subject?

A No. Actually, I don't know the actual cause.

Q When it says also on the top left "Complainant: Suffolk County Homicide," what does that mean?

A That they are investigating it.

Q So Suffolk County Homicide was investigating the death of the black male subject?

A Yes, sir.

Q Now, if you look towards the bottom, it looks like it's the -- maybe, seven-eighths of the way down, "I saw PO S tase him once"?

Frankenbach

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A Yes, sir.

Q Do you see that now?

A Yes.

Q Earlier in your testimony I thought you said you didn't see him use the taser?

A At this time, I don't remember if I saw him do it, but if I stated it then, because it was a lot closer to the incident, I must have seen him tase him once. To this day, I don't remember that he did it.

Q Do you know if Officer S or some other officer tased the black male subject more than once?

A No. It's only Officer S I saw with the taser, that had it. That was the only one I seen holding it.

Q You said it before -- I don't know if it is the right word to say, but are you authorized to carry a taser?.

A We don't carry tasers.

Q The patrol officers?

A The patrol officers do not.

Frankenbach

MR. TELESKA: I don't have any
more questions.

MS. DEJONG: Okay.

MR. TELESKA: Thank you for your
time.

(Whereupon, at 10:57 AM, the
deposition was concluded.)

C A P T I O N

The Deposition of PO STEVEN S. FRANKENBACH, taken
in the matter, on the date, and at the time and
place set out on the title page hereof.

It was requested that the deposition be taken by
the reporter and that same be reduced to
typewritten form.

The Deponent will read and sign the transcript
of said deposition.

C E R T I F I C A T E

STATE OF _____:

COUNTY/CITY OF _____:

Before me, this day, personally appeared
PO STEVEN S. FRANKENBACH, who, being duly sworn,
states that the foregoing transcript of his
Deposition, taken in the matter, on the date, and
at the time and place set out on the title page
hereof, constitutes a true and accurate transcript
of said deposition.

STEVEN S. FRANKENBACH

SUBSCRIBED and SWORN to before me this _____
day of _____, 2010, in the
jurisdiction aforesaid.

My Commission Expires

Notary Public

DEPOSITION ERRATA SHEET

RE:

CASE CAPTION: TINA BRADWAY

vs.

THE TOWN OF SOUTHAMPTON

DEPONENT: PO STEVEN S. FRANKENBACH

DEPOSITION DATE: MAY 19, 2010

To the Reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request for the following changes be entered upon the record for the reasons indicated.

I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.

SIGNATURE: _____ DATE: _____

PO STEVEN S. FRANKENBACH

FINK & CARNEY

REPORTING AND VIDEO SERVICES

39 West 37th Street, 6th Floor, New York, N.Y. 10018 (212) 869-1500

I N D E X

Witness:

PO STEVEN S. FRANKENBACH

E X H I B I T S

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C E R T I F I C A T E

STATE OF NEW YORK)

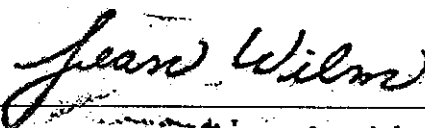
) ss.

COUNTY OF NEW YORK)

I, Jean Wilm, a Shorthand
(Stenotype) Reporter and Notary Public
of the State of New York, do hereby
certify that the foregoing Deposition,
of the witness, PO STEVEN S.
FRANKENBACH, taken at the time and
place aforesaid, is a true and correct
transcription of said deposition.

I further certify that I am
neither counsel for nor related to any
party to said action, nor in any wise
interested in the result or outcome
thereof.

IN WITNESS WHEREOF, I have
hereunto set my hand this 25th day of
May, 2010.


JEAN WILM, RPR, CMRS, CLR